

REMARKS

Reexamination and reconsideration of claims 1, 3-11, and 23-30 are respectfully requested. Claims 12-21 and 32 have been cancelled without prejudice in this Reply.

Claims 1, 3, and 5-11 were rejected under 35 U.S.C. sec. 102(e) applying U.S. Pat. App. Pub. No. U.S. 2001/0043781 ('781). The '781 publication discloses a groove 2a provided on the inner surface of sheath 2 with a ripcord 3 fitted within the groove 2a. See the Abstract of the '781 publication. For a patent to be applicable under sec. 102(e), the patent must, *inter alia*, disclose each and every feature of the claimed invention.

It is respectfully submitted that each and every feature of amended claim 1 is not disclosed, taught, or otherwise suggested either explicitly, or inherently, by the '781 publication. Moreover, the Office Action admits the same. See p. 4 of the Office Action dated December 31, 2003. Moreover, the amendment of claim 1 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claims. For at least this reason, withdrawal of the sec. 102(e) rejection of claims 1-3 and 5-11 is warranted and is respectfully requested.

Claims 12-13, 15-21, 32 were rejected under 35 U.S.C. sec. 103(a) applying the '781 publication without a teaching reference. Claims 12-13, 15-21, and 32 have been cancelled without prejudice. Additionally, claim 1 has been amended to recite a limitation of claim 32. For a publication to be applicable under sec. 103(a), the publication must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention.

It is respectfully submitted that the Office Action misinterpreted the '781 publication. Specifically, p.4 of the Office Action dated December 31, 2003 states:

Regarding claim 32, Yokokawa et al reference [the '781 publication] discloses an optical fiber with all the

limitations set forth in the claims as discussed above, except it does not explicitly teach the use of serrated, knurled or notched rip cord. However, the use of serrated, knurled or notched surface in preventing sliding motion, as taught by Yokokawa et al reference, is well known and common in the art. Such surfaces are desirable in preventing sliding motion. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the rip cord of Yokokawa et al to have serrated, knurled, or notched surface.

Simply stated, the position of the Office Action is unsupported and incorrect. Moreover, the position is contrary to the objective evidence of the '781 publication. Applicants agree that the '781 publication does not teach or disclose a rip cord having a serrated, knurled, or notched surface.

But the statement that "...the use of serrated, knurled or notched surface in preventing sliding motion, as taught by Yokokawa et al reference, is well known and common in the art" is absolutely untrue. This is absolutely untrue and is not supported by any objective evidence of record.

Specifically, the '781 publication does not discuss the ripcord surface roughness whatsoever. Instead, the '781 publication states "[a]s a preventative method against the whole ripcord slipping out of the groove, the width of the opening may be made narrower than the thickness of the ripcord." See paragraph 0032 of the '781 publication. Moreover, the Office Action cites no text whatsoever, or other evidence of record, to support its position regarding the surface roughness of the ripcord. Rather, as discussed in the previous reply, paragraph 0032 teaches that the width of the opening that holds the ripcord may be made narrower than the thickness of the ripcord. Thus, claim 1 is patentable over the references of record because the Office Action has failed to make a *prima facie* case of obviousness.

Claims 4, 14, and 23-30 were rejected under 35 U.S.C. sec.

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103(a) applying the '781 publication in view of the U.S. Pat. No. 5,970,196 ('196). For publications to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the publications must be present.

Regarding claim 4, it is allowable for at least the reasons stated above with respect to claim 1. Therefore, withdrawal of the sec. 103(a) rejection of claim 4 is warranted and is respectfully requested.

Regarding claims 23-30, the Office Action misinterpreted the references. Simply stated, neither the '781 publication, nor the '196 patent teach, disclose, or otherwise suggest a cable core having at least one switchback portion. One skilled in the art would have understood that a switchback portion is created during S-Z stranding where the stranding operation switches directions. For at least this reason, the Office Action failed to make a *prima facie* case with respect to claims 23-30. Moreover, the '781 patent does not teach, disclose, or otherwise suggest a ripcord having an excess length. The previous Office Action stated that paragraph 0031 disclosed that the ripcord of the '781 patent had an excess length, but this is untrue. Instead, paragraph 0031 states "[i]t is not necessary for the ripcords 3 to fit in the grooves 2a completely, and part of each of the ripcords 3 may project through the opening in groove 2a. However, it is undesirable for the whole ripcord to slip out of the groove, because the position of the ripcord is then uncertain." See paragraph 0031 of the '781 publication. Clearly, the objective evidence demonstrates that paragraph 0031 does not teach a ripcord having excess length. For at least this reason, withdrawal of the sec. 103(a) rejection of claims 4 and 23-30 is warranted and is respectfully requested.

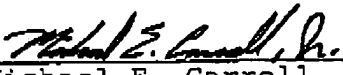
No fees are believed due in connection with this Reply. If

any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

  
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